

Haggerty Ruling 'Not Binding'

Assistant District Attorney John P. Volz said Tuesday that other Criminal Court judges need not be bound by Judge Matthew S. Braniff's ruling in the trial of Judge Edward A. Haggerty Jr.

Judge Braniff found Judge Haggerty, also a Criminal Court judge, not guilty Monday night of charges of obscenity, soliciting for prostitutes, and resisting police officers.

The charges resulted from a Dec. 17 vice-squad raid at the DeVille Motel, 3800 Tulane ave., where police claimed a stag show was in progress.

Volz announced Tuesday that three other men charged as a result of the raid will be prosecuted in spite of the acquittal of Judge Haggerty. Volz handled the prosecution of the judge.

The men and their charges are:

Joseph G. Zarza Jr., 26, 3800 Tulane ave., Apt. 105, manager of the DeVille, obscenity by exhibiting allegedly obscene films.

Max A. Williams, 36, 1931 Farmington Pl., Gretna, same charge.

Victor M. Soto, 39, 926 E. William David Pkwy., gambling and resisting arrest.

Meanwhile, Judge Haggerty's office reported he expects to be back on the bench Monday.

Seventeen persons were arrested during the raid or as a result of it, but only four were charged by the DA's office.

The case against Judge Haggerty was stopped before it got started when Judge Braniff ruled that information obtained by means of an electronic eavesdropping device secreted on an informer could not be presented in court.

The device transmitted proceedings in the motel rooms to officers outside.

It was through this testimony that the state hoped to demonstrate that police had probable cause for entering the motel rooms.

Volz said that personnel of the DA's office prepared requests for a review of Judge

Braniff's decision and delivered them to the Louisiana Supreme Court.

However, when Judge Braniff declined to give the state a postponement, and Judge Haggerty was acquitted, the question became moot, Volz said.

Even in the event that the Supreme Court reviewed and reversed Judge Braniff's ruling, there would be no chance of trying Judge Haggerty on these particular charges again.

"It all goes back to the defendant's right not to be tried twice for the same offense," Volz said.

Volz said his office had a good case against Judge Haggerty. "We felt confident — and we still do — that we were right," he said. "I just hope that the other judges see it differently."

Volz said he still feels the transmissions made from the undercover agent to police are admissible in evidence.

Judge Braniff's ruling will not bind the judges who preside over the trials of the other men, Volz said.